

**REMARKS/ARGUMENTS**

This paper is submitted responsive to the office action mailed November 29, 2010. Reconsideration of the application in light of the accompanying remarks is respectfully requested.

The application as pending contains independent claims 6 and 40. In the aforesaid action, independent claim 6 has been rejected as being obvious based upon a combination of Buelna et al. and Das.

A brief discussion of claim 6 is believed appropriate. Claim 6 calls for a device for creating a seal in a blood vessel comprising a low profile shaft assembly...and a sealing membrane spanning said expandable region, and further comprising a protective shield having a non-deployed and deployed state and being deployable over at least a portion of the expandable region in the second expanded position. Thus, claim 6 requires both a sealing membrane and a protective shield. Figure 19a shows one embodiment of this, wherein element 60 is the sealing membrane and element 61 is the protective shield. As the expandable region expands, sealing membrane 60 expands along with it to form the desired seal, while element 61 is a shield member in the form of a protective sheet which protects the sealing membrane. This is described, for example, in the specification in paragraph [0052].

The office action refers to element 260 of Buelna as being a protective shield. This is actually the sealing membrane. In fact, Buelna does not disclose a protective shield. In all embodiments of Buelna, there is only a single layer and that is the sealing membrane, with no protective shield whatsoever. This is not cured by Das. Thus, reconsideration of the

rejection of claim 6 is respectfully requested as an element required by claim 6 is clearly missing from the applied art.

Turning to claim 40, this claim has been rejected as being anticipated by Buelna. Reconsideration of this rejection is also respectfully requested. Claim 40 requires that the expandable region be deployed between the low profile position to the expanded position through movement of a deployment tube. This deployment tube can be found in the drawings, for example in Figures 16-17 at reference numeral 241. Figure 16 shows deployment tube 241 extending over and closing the expandable region. This obviously keeps the expandable region in the low profile position. Figure 17 shows the same device with deployment tube 241 withdrawn with respect to the expandable region so that the expandable region can open to the position as shown in Figure 17. This structure is not at all disclosed in Buelna. In Buelna, expansion to the position shown in Figure 9 is obtained by applying a proximal movement to rod 241 and this backward movement applies a compressive force to the split portions of flexible tube 250, causing them to expand to the position of Figure 9. Thus, Buelna does not in any location disclose such a deployment tube which causes configuration of the expandable region as desired. Reconsideration of the rejection of claim 40 is therefore respectfully requested.

It is believed that with reconsideration and allowance of claims 6 and 40, all claims would be in condition for allowance. Such early and favorable action is therefore respectfully solicited.

An earnest and thorough effort has been made to address all issues raised in the office action and place this application in condition for allowance. If upon consideration of this response, the Examiner believes that issues remain which could

U. S. Patent Appl. 10/735,340  
Response to Office Action Mailed November 29, 2011  
Response dated May 31, 2011

be addressed by telephone interview, the Examiner is invited to telephone the undersigned to discuss same.

This paper is accompanied by authorization to charge a deposit account for an extension of time. It is believed that no additional fees are due in connection with this response. If any such fees are due, please charge same to Deposit Account No. 02-0184.

Respectfully submitted,

Adam Gold

By /george a. coury/  
George A. Coury  
BACHMAN & LaPOINTE, P.C.  
Reg. No. 34,309  
Attorney for Applicants

Telephone: (203)777-6628 ext. 113  
Telefax: (203)865-0297  
Email: docket@bachlap.com

Date: May 31, 2011